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**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Frank Gelder

CASE: VIR-021011CO01

SERIAL NO.: 10/695,112

FILED ON: October 28, 2003

FOR: COMPOSITIONS AND
METHODS FOR
TREATING VIRAL
INFECTIONS

**PETITION TO REVIVE
UNDER 37 C.F.R. § 1.181**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ATTENTION OF:
A.U. 1648
EXAMINER:
Jeffrey S. Parkin

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

This is in response to the Notice of Abandonment mailed December 31, 2007. Applicant requests withdrawal of the holding of abandonment of the present application under 37 C.F.R. § 1.181. Please consider the following remarks towards revival of the application.

Attachment: Exhibit A – CRF Problem Report; and
Exhibit B – Duplicate CD of the Sequence Listing in ASCII text format.

FACTOR & LAKE, LTD.
1327 W. Washington Blvd., Suite 5G/H
Chicago, IL 60607
312-226-1818 Telephone
312-226-1919 Facsimile

Jody L. Factor, Reg. No. 34,157
Micheal D. Lake, Reg. No. 33,727
Edward L. Bishop, Reg. No. 39,110
Joseph M. Kinsella Jr, Reg. No. 45,743
Nick S. Lee, Reg. No. 54,260

REMARKS

The present application has been deemed abandoned by the Patent and Trademark Office on the basis that Applicant's May 17, 2007 Response to the Notice to Comply mailed by the Patent and Trademark Office on April 17, 2007 was not fully responsive in that the computer readable form of the Sequence Listing, which was submitted on a CD along with the May 17, 2007 Response, was not saved in American Standard Code for Information Interchange ("ASCII") text format. A copy of the CRF Problem Report is attached hereto as Exhibit A. Therefore, after the final date to respond had expired, the Examiner abandoned the application. Applicant respectfully disagrees as to the sufficiency of the Response dated May 17, 2007.

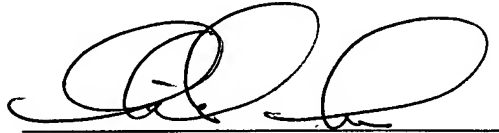
Applicant submits that the Sequence Listing stored on the CD, submitted along with the Response dated May 17, 2007, was indeed saved in ASCII text format. In support thereof, Applicant has attached as Exhibit B, a duplicate CD storing a copy of the Sequence Listing in ASCII text format, which was previously submitted with the Response dated May 17, 2007. The duplicate CD was neither modified nor amended to conform to the CRF Problem Report, which is evidenced by the fact that the Sequence Listing stored in the duplicate CD: (1) was last modified on May 16, 2007—the same time the original CD was made; and (2) is indeed in ASCII text format. Applicant further states that the Sequence Listing information recorded in the attached duplicate CD is identical to the written Sequence Listing submitted back in May 17, 2007. As such, Applicant submits that the Response dated May 17, 2007 and the associated submissions therewith comply with the Notice of Comply mailed April 17, 2007.

If, however, the Petitions Office deems a petition fee is necessary in light of the facts presented above, Applicant hereby authorizes withdrawal of such fee from deposit account number 50-0545.

In view of the foregoing, Applicant respectfully requests the withdrawal of the holding of abandonment, and subsequent revival of the present application

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully requested.

Respectfully submitted,

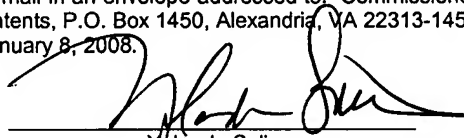


Nick S. Lee, Esq.
(Reg. No. 54,260)
One of Attorneys for Applicant

Dated: January 8, 2008

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 8, 2008.


Yolanda Solis



SCORE

CRF Problem Report

SCORE experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10695112

Filing Date: 5/21/07

Date Processed by SCORE: 7/31/07

Contact: Electronic Business Center: Telephone: 866-217-9197

Nature of CRF Problem:

- ☐ (circle one) Damaged or Unreadable
- ☐ Blank (no files on CRF)
- ☐ Empty file (filename present, but no bytes in file)
- ☐ Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)
- ☒ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- ☐ Did not contain a Sequence Listing.
- ☐ Other:

**PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

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2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
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Revised 01/20/06

